

Notice of Allowability	Application No.	Applicant(s)
	10/511,796	SODE, KOJI
	Examiner	Art Unit
	Mohammad Meah	1652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 1/27/06.
2. The allowed claim(s) is/are 2-7 and 32-55.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 1/9/06
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other facsimile.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given by Che Chereskin 03/23/2006 with a facsimile (attached herewith).

EXAMINER'S AMENDMENT

EXAMINER'S AMENDMENT

Rewrite claim 44. "A recombinant DNA which encodes a protein having a substitution, deletion, insertion or addition of 1 to 5 amino acid residues in the protein which has at least the amino acid sequence comprising amino acids 23 to 425 of SEQ ID NO: 16 and having glucose dehydrogenase activity"

The following is an examiner's statement of reasons for allowance:

Applicant has cloned a novel recombinant DNA of SEQ ID NO: 15 encoding glucose dehydrogenase of SEQ ID NO: 16 from *Burkholderia cepacia*. Prior art does not teach or suggest the DNA of SEQ ID NO 15. As such the claimed DNA of SEQ ID NO: 15,

Art Unit: 1652

method of producing glucose dehydrogenase encodes by the said DNA using host cell containing vector expressed with said DNA, vector and host cell expressed with said DNA are novel and non-obvious.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad Meah whose telephone number is 571-272-1261. The examiner can normally be reached on 8:30-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapu Achutamurthy can be reached on 571-272-0928. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mohammad Younus Meah, PhD
Examiner, Art Unit 1652
Recombinant Enzymes, 3C31 Remsen Bld
400 Dulany Street, Alexandria, VA 22314
Telephone: 517-272-1261

Rebecca E. Prouty
REBECCA E. PROUTY
PRIMARY EXAMINER
GROUP 1800
1602

Knobbe Martens Olson & Bear LLP

Intellectual Property Law

2040 Main Street
 Fourteenth Floor
 Irvine, CA 92614
 Tel 949-760-0404
 Fax 949-760-9502
www.kmob.com

Che S. Chereskin
 Patent Agent

March 23, 2006

Examiner Mohammad Y Meah
 Art Unit 1652

Re: U.S. Application No. 10/511,796
 Title: GLUCOSE DEHYDROGENASE β -SUBUNIT AND DNA ...
 Our Reference No.: TOYA126.002APC

Dear Examiner Meah

Our client has approved amendment of claim 44 as shown below.

44. (Proposed amendment) A recombinant DNA which is ~~hybridizable with a nucleotide sequence consisting of nucleotides 187 to 1398 of SEQ ID NO: 15 under stringent conditions comprising 1xSSC, 0.1% SDS, and 60 °C, which has 90% or more homology to SEQ ID NO: 15, and which encodes a protein having a substitution, deletion, insertion or addition of 1 to 5 amino acid residues in the protein which has at least the amino acid sequence comprising amino acids 23 to 425 of SEQ ID NO: 16, and having glucose dehydrogenase activity.~~

Note that we have deleted reference to SEQ ID NO: 15 as we believe that this is already covered by claim 3. Please discuss with your supervisor if you can amend claim 44 as shown by Examiner's amendment. However, if there are further concerns, please contact me at (949) 721-6385.

Very truly yours,

Che Chereskin
 Che Swyden Chereskin, Ph.D.

2471536
 03230€

San Diego

San Francisco

Los Angeles

Riverside

San Luis Obispo

805-547-5580

Knobbe Martens Olson & Bear LLP

Intellectual Property Law

2040 Main Street
 Fourteenth Floor
 Irvine, CA 92614
 Tel 949-760-0404
 Fax 949-760-9502
 www.kmob.com

FACSIMILE TRANSMITTAL SHEET**CONFIRMATION COPY WILL FOLLOW VIA:**

<input type="checkbox"/> MAIL	<input checked="" type="checkbox"/> WILL <u>NOT</u> FOLLOW
<input type="checkbox"/> INTERNATIONAL AIRMAIL	<input type="checkbox"/> HAND DELIVERY
<input type="checkbox"/> COURIER	<input type="checkbox"/> WITH ENCLOSURES
<input type="checkbox"/> E-MAIL	<input type="checkbox"/> WITHOUT ENCLOSURES

Confidentiality Notice:

The documents accompanying this facsimile transmission contain confidential information which may be legally privileged. The information is intended only for the use of the recipient named below. If you have received this facsimile in error, please immediately notify us by telephone to arrange for return of the original documents to us; and any disclosure, copying, distribution or the taking of any action in reliance on the contents of this faxed information is strictly prohibited.

TO: Mohammad Y Meah
 FIRM: USPTO
 FACSIMILE NO.: (571)-273-1261
 OUR F.F.E.: TOYA126.002APC
 YOUR REF.: 10/511,796
 FROM Che Chereskin
 OPERATOR: Deirdre Bailey
 DATE March 23, 2006

NO. OF PAGES: 2 (incl. cover sheet)
 TIME:

IF YOU DID NOT RECEIVE ALL OF THE PAGES PLEASE CALL BACK IMMEDIATELY
 OPERATOR PHONE NO.: (949) 760-0404 FACSIMILE NO.: (949) 760-9502

MESSAGE: DEAR EXAMINER MEAH,

PLEASE CALL ME WITH ANY QUESTIONS AT (949) 721-6385

247160
 032306

San Diego

San Francisco

Los Angeles

Riverside

San Luis Obispo

805-547-5580

051-781-0731
 PAGE 1/2 * RCVD AT 3/23/2006 3:07:45 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-2/17 * DNI:2731261 * CSID:949 760 9502 * DURATION (mm:ss):00:52